

OCT 5

1992

**Title 413 - NEBRASKA DEPARTMENT OF ROADS - PROJECT DEVELOPMENT DIVISION**

**Chapter 2 - Administering of the State Grade Crossing Protection Fund and Federal Funds Available for Railroad Crossing Safety Projects**

**001 THE STATE GRADE CROSSING PROTECTION FUND MAY BE USED FOR THE FOLLOWING PURPOSES:**

**001.01** Railroad grade crossing closures at public crossings.

**001.02** Construction, modification, or improvement of active warning devices at public railroad grade crossings.

**001.03** Construction, rehabilitation, relocation or modification of railroad grade separations at all public roads, streets or highways.

**001.04** Other safety improvements at public railroad grade crossings deemed appropriate by the State.

**002 CROSSING CLOSURES**

**002.01** If a public railroad grade crossing is eliminated by closing the street, road or highway by agreement of the State and political subdivision, the State will pay the political subdivision which has jurisdiction over the crossing a minimum of two thousand dollars or up to twelve thousand dollars for actual documented costs for the closing.

**002.01A** Documented costs may include acquisition of right of way, construction costs or other costs deemed appropriate by the State for providing access to a public crossing for the closed roadway.

**002.01B** The State must approve in advance any costs above two thousand dollars and the political subdivision will be paid actual costs only for work above the minimum two thousand dollars. (Not two thousand dollars plus actual costs.)

**002.01C** A request for a crossing closure may be received by the State from the railroad, public, political subdivision, as well as the State, however, the State must receive a resolution from the political subdivision agreeing to the closure before agreements are started.

**002.01D** No payment by the State to the political subdivision will be made until the crossing has been physically removed by the railroad and the State notified by the railroad of the removal.

**Title 413 - NEBRASKA DEPARTMENT OF ROADS - PROJECT DEVELOPMENT DIVISION**

**Chapter 2 - Administering of the State Grade Crossing Protection Fund and Federal Funds Available for Railroad Crossing Safety Projects (Continued)**

**002.02** If a public railroad grade crossing is eliminated by the removal of a rail line by agreement of the State and the political subdivision which has jurisdiction over the crossing, the political subdivision paying for the removal shall receive a minimum of two thousand dollars or up to twelve thousand dollars for actual documented costs of the crossing removal and replacement of the roadway through the crossing.

**002.02A** Documented costs may include construction costs for the roadway replacement through the crossing as well as other costs deemed appropriate by the State.

**002.02B** The State must approve in advance any costs above two thousand dollars and the political subdivision will be paid actual costs only for work above the two thousand dollar minimum. (Not two thousand dollars plus actual costs.)

**002.02C** The same request and payment procedures will be followed as used for roadway closure.

**002.03** The political subdivision will not receive crossing closure payments for crossings closed as a result of railroad abandonments.

**003 ACTIVE WARNING DEVICES**

**003.01** A request for active warning devices (signals) may be received from citizens, railroads, political subdivision or a request may be initiated by the State. The request should be made in writing and directed to:

Nebraska Department of Roads  
Railroad Liaison Engineer  
Box 94759  
Lincoln, Nebraska 68509-4759

The request should include the location, railroad involved and other data deemed appropriate by the writer. No signal project will be started by the State until a resolution from the political subdivision having jurisdiction over the crossing is received obligating the political subdivision for their matching share of the project costs.

**003.01A** Whenever a request for signals is received by the State from a citizen or political subdivision, the State will review the crossing and respond.

Title 413 - NEBRASKA DEPARTMENT OF ROADS - PROJECT DEVELOPMENT DIVISION

Chapter 2 - Administering of the State Grade Crossing Protection Fund and Federal Funds Available for Railroad Crossing Safety Projects (Continued)

003.02 The Department shall establish and update, as needed, a list for improving the safety of railroad grade crossings in Nebraska. A Diagnostic Team Review of the crossings is then made in order to select locations for signal projects. The Diagnostic Team Review is a complete in-depth inspection of the crossing by a team of experts including representatives of the State, railroad, FHWA and local political subdivision.

003.02A The Diagnostic Review will include, but not be limited to:

- 003.02A1 Train data
- 003.02A2 Vehicle data
- 003.02A3 Crossing data
- 003.02A4 Accident history
- 003.02A5 Nearby development
- 003.02A6 Adjacent crossings
- 003.02A7 Sight distance
- 003.02A8 School locations and school bus usage

003.03 Under normal circumstances, crossings will not be considered for active devices if one of the following conditions exist:

003.03A Sidings hand flagged by railroad

003.03B Two trains per day or less

003.03C Exposure factor of one thousand five hundred or less. Exposure factor is product of number of trains per day times the number of vehicles per day at the crossing.

003.03D Crossings which have flashing light signals will not be considered for addition of gates if only one track exists in crossing.

003.04 Flashing light signals only or cantilever flashing light signals will be placed on spur line crossing which have only one track through the crossing.

003.05 Flashing light signals with gates will be considered for installation under the following circumstances:

**Title 413 - NEBRASKA DEPARTMENT OF ROADS - PROJECT DEVELOPMENT DIVISION**

**Chapter 2 - Administering of the State Grade Crossing Protection Fund and Federal Funds Available for Railroad Crossing Safety Projects (Continued)**

**003.05A** Spur line crossings with multiple tracks where more than one train could occupy the crossing at the same time.

**003.05B** Main line crossings

**003.05C** Cantilever flashing light signals only may be placed at some urban crossings with multiple tracks where the street is too wide for gates.

**003.06** A Diagnostic Team Review may determine that circumstances exist which would require modification of any of the above rules. The circumstances will be well documented if any variations are used.

**003.07** The State shall have the right to insist upon street or roadway improvements by the political subdivision as a prerequisite of signal installations. The State may also require removal of trees, limbs, signs or poles which obstruct the view of signal lights.

**003.08** The State shall have the right to insist the political subdivision take the necessary steps to close appropriate crossings as a prerequisite to signal installations.

**003.09** The political subdivision will install and place advance warning signs and pavement markings as well as any other signs prescribed by the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways." The political subdivision will also maintain these signs and markings.

**003.10** Costs chargeable to signal projects shall be accumulated in accordance with the procedures established in current Federal Policy and Procedures Memorandums for signal installation. A copy of said memorandums will be available at the Department of Roads.

**003.11** After completion, the Railroad will submit separate bills to the State and political subdivision for their respective shares of the total cost. The Railroad will collect directly from the political subdivision for their share based upon the final audited cost of the project.

**003.12** The Department of Roads will maintain balance sheets for money expended from the State Grade Crossing Protection Fund as well as the Federal Railroad Crossing Safety Funds.

**004 GRADE SEPARATIONS**

**004.01** Pursuant to 74-1320 and 74-1321 Neb. Rev. Stat., monies collected from the train mile tax shall be placed in the State Grade Crossing Protection Fund and may be used for the construction, rehabilitation, relocation or modification of railroad grade separations at all public roads, streets or highways.

OCT 5 1992

Title 413 - NEBRASKA DEPARTMENT OF ROADS - PROJECT DEVELOPMENT DIVISION

Chapter 2 - Administering of the State Grade Crossing Protection Fund and Federal Funds Available for Railroad Crossing Safety Projects (Continued)

004.02 The Department shall establish and update, as needed, a list for improving the safety of railroad crossings in Nebraska with grade separations.

004.03 Before a project for a new grade separation is started, a grade separation location and feasibility study will be conducted.

004.03A The State will conduct studies if the crossing is located on the State Highway System.

004.03B The political subdivision will be responsible for conducting the study if the crossing is not on the State Highway System.

004.03C The Department will assist the political subdivision or their consultant in any way possible.

004.04 The grade separation study will include, but not be limited to:

1. Train data
2. Vehicle data
3. Crossing data
4. Accident history
5. Nearby development
6. Adjacent crossings
7. Sight distances
8. School locations and school bus usage

In addition, the grade separation study may include:

1. Location feasibility
2. Splitting of community
3. Right of Way taking
4. Cost

004.05 Based upon the study and funding, the Department of Roads shall determine locations which are eligible for expenditure of State or Federal monies for construction, rehabilitation, relocation or modification of railroad grade separations.

004.06 The Department of Roads will maintain balance sheets for money expended from the train mile portion of the State Grade Crossing Protection Fund as well as Federal Railroad Crossing Safety Funds.

**FILED**  
SECRETARY OF STATE  
OCT -5 92 002613

Title 413 - NEBRASKA DEPARTMENT OF ROADS - PROJECT DEVELOPMENT DIVISION

Chapter 2 - Administering of the State Grade Crossing Protection Fund and Federal Funds Available for Railroad Crossing Safety Projects (Continued)

005 OTHER SAFETY IMPROVEMENTS

005.01 The Department of Roads shall have the power to determine other safety improvements at railroad crossings which are eligible for monies from the State Grade Crossing Protection Fund. These safety improvements may include, but not be limited to, the following:

005.01A Sight improvements such as removing trees, fill or other sight obstructions

005.01B Crossing illumination

005.01C Advance warning beacons

005.01D Roadway approach or track work

005.01E Crossing surface improvements

**ANNOTATION**

Title 413  
Chapter 2

Enabling Legislation  
39-699 and 74-1310  
through 74-1322  
Neb. Rev. Stat.

**APPROVED**

DON STENBERG

ATTORNEY GENERAL

BY *Murray Leary*  
Assistant Attorney General

DATE MAY 28 '92

**APPROVE**

OCT 5 1992

*Benjamin Nels*

BENJAMIN NELSON